

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07CV308-3-MU

**CLEVELAND WESLEY HELLER,**

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)

**Petitioner,**

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)

**v.**

)

**ORDER**

)

**RICK JACKSON,**

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**Respondent.**

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)

**THIS MATTER** is before the Court on Petitioner's "Motion to Reconsider Order or in the Alternative Forward to Petitioner a Complete Set of 28 U.S.C. § 2254" (Document No. 4.) Petitioner's Petition pursuant to 28 U.S.C. § 2254 was dismissed without prejudice by this Court on October 9, 2007 because he failed to completely fill out his form petition including dates by which this Court could determine whether his petition was timely filed. By the instant motion, Petitioner seeks to have this Court consider copies of the Order denying his Motion for Appropriate Relief and denying his Petition for Writ of Certiorari, attached as exhibits to his motion for reconsideration.<sup>1</sup>

Petitioner's petition was dismissed without prejudice to the refiling of a complete petition. Therefore, the instant motion for reconsideration is denied and the Clerk is directed to forward to Petitioner a form 2254 petition. As stated in this Court's previous Order, Petitioner may re-file a complete petition pursuant to 28 U.S.C. § 2254.

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<sup>1</sup> The Court notes that Petitioner has still not provided the date of filing of his direct appeal or his motion for appropriate relief.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Petitioner's motion for reconsideration (Document No. 4) is denied. The Clerk is directed to send Petitioner a form § 2254 petition.

**SO ORDERED.**

Signed: October 23, 2007



Graham C. Mullen  
United States District Judge

